IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.2263 of 2006

Kotak Mahindra Bank Ltd. Applicant
Vs.
Mr.Bharat S. Dahanukar & ors. Respondents

Mrs.Revati Mohite-Dere for applicant.
Mr.A.S.Shitole, APP for State.

CORAM: B.H.MARLAPALLE, J.

Reserved on: October 16, 2007.
Pronounced on: December 20, 2007.

P.C.:

1. This is an application seeking leave to appeal under Section 378(4) of Cr.P.C. against the order of acquittal passed by the learned Metropolitan Magistrate, 12th Court at Bandra, Mumbai in C.C.No.820/SS/2005 (old C.C.No.126/S/1997).

2. Six cheques with the following particulars were issued by the accused no.1 - company in favour of the complainant - company :

Sr.No.	Cheque no.	Payable Date	Amount (Rs)
1.	044178	1/7/1996	2,33,191/-

2.	044179	1/8/1996	2,33,191/-
3.	044180	1/9/1996	2,33,191/-
4.	044181	1/10/1996	2,33,191/-
5.	044182	1/11/1996	2,33,191/-
6.	044183	1/12/1996	2,33,191/-

. All these six cheques were issued in discharge of the liability arising out of the lease agreement at Exhibit C-7 for the period from 1/7/1996 to 1/12/1996. Whereas the other six cheques drawn by the accused no.1 - company in favour of the complainant pertained to the subsequent period from 1/1/1997 to 1/6/1996 and they were also dishonoured. C.C. No.480/SS/2005 arose from the second set of dishonoured cheques. It is seen from the record that the learned Metropolitan Magistrate passed an order on 3/6/2005 and clubbed both the complaints as a result of which common evidence was recorded and relied upon. The reasoning set out in support of the order of acquittal of accused nos.3 and 5 is verbatim same in both the orders passed separately in both the complaints. Grounds for appeal made out in this application are also common. By the earlier order dated 29/9/2007 it

was directed to hear this application with Criminal Appeal No.963 of 2007 which was to be heard finally.

3. Criminal Appeal No.963 of 2007 has been dismissed today and for the reasons set out in the said order, there is no case to grant special leave to appeal against the acquittal of accused nos.3 and 5 in C.C. No. 820/SS/2005.

4. Hence leave to appeal is hereby refused and consequently the application stands rejected.

(B.H.MARL